

## \* \* § 362 INFORMATION COVER SHEET \* \*

Joseph N & Ellen M Wenzinger  
 DEBTOR  
 Federal National Mortgage Assoc.  
 MOVANT

14-11276-MKN  
 Case No:  
 CHAPTER: 11 ☐

40  
 MOTION #:

**Certification of Attempt to Resolve the Matter Without Court Action:**

*Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(2), an attempt has been made to resolve the matter without court action, but movant has been unable to do so.*

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Attorney for Movant

PROPERTY INVOLVED IN THIS MOTION: 5229 Forrest Hills Lane, Las Vegas, NV 89108

NOTICE SERVED ON: Debtor(s) ☐; Debtor's counsel ☐; Trustee ☐;

DATE OF SERVICE: \_\_\_\_\_

**MOVING PARTY'S CONTENTIONS:**

The EXTENT and PRIORITY of LIENS:

1st \_\_\_\_\_

2nd \_\_\_\_\_

3rd \_\_\_\_\_

4th \_\_\_\_\_

Other: \_\_\_\_\_

Total Encumbrances: \_\_\_\_\_

APPRAISAL of OPINION as to VALUE:

**DEBTOR'S CONTENTIONS:**

The EXTENT and PRIORITY of LIENS:

1st 139,177.86

2nd \_\_\_\_\_

3rd \_\_\_\_\_

4th \_\_\_\_\_

Other: \_\_\_\_\_

Total Encumbrances: \_\_\_\_\_

APPRAISAL of OPINION as to VALUE:

\$105,000

**TERMS of MOVANT'S CONTRACT  
with the DEBTOR(S):**

Amount of Note: \_\_\_\_\_

Interest Rate: \_\_\_\_\_

Duration: \_\_\_\_\_

Payment per Month: \_\_\_\_\_

Date of Default: \_\_\_\_\_

Amount in Arrears: \_\_\_\_\_

Date of Notice of Default: \_\_\_\_\_

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: \_\_\_\_\_

\_\_\_\_\_

**DEBTOR'S OFFER of "ADEQUATE  
PROTECTION" for MOVANT :**

- Debtor has filed a Motion to Value Collateral for this property, and has sent an offer of plan treatment to creditor. If agreement can't be reached, Debtor is willing to enter into Adequate protection agreement.
- 
- 

SPECIAL CIRCUMSTANCES:

SUBMITTED BY: Seth D. Ballstaedt, Esq.

SIGNATURE: /s/ Seth D. Ballstaedt

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*e-filed October 10, 2014*

9 **UNITED STATES BANKRUPTCY COURT**

10 **DISTRICT OF NEVADA**

11 In re:

12 JOSEPH N WENZINGER

13 ELLEN M WENZINGER

14  
15 Debtor(s)

CASE NO.: 14-11276-MKN  
TRUSTEE:

CHAPTER: 11

HEARING DATE: NOVEMBER 12, 2014  
HEARING TIME: 9:30 A.M.

16  
17 **OPPOSITION TO MOTION FOR RELIEF**

18 **FILED BY Federal National Mtg Assoc / Seterus Inc**

19  
20 JOSEPH N WENZINGER and ELLEN M WENZINGER (hereinafter referred to as  
21 “debtor(s)”), by and through their attorney, Seth D. Ballstaedt, Esq., hereby oppose the  
22 Motion for Relief or in the Alternative filed by Federal National Mortgage  
23 Association/Seterus Inc (“Fannie Mae”) on the grounds set forth below.

- 24 1. On February 28, 2014, the above-named Debtor(s) filed a Voluntary Petition under  
25 Chapter 11 of the Bankruptcy Code.  
26 2. On October 10, 2014, Fannie Mae filed a Motion for Relief from the Automatic Stay on  
27 Debtor's property commonly known as 5229 Forest Hills Las Vegas, NV 89108 (“subject  
28 property”).

3. On October 10, 2014 Debtor filed a Motion to Value Collateral for Subject property, and an appraisal report is attached as "Exhibit A" which values the property at \$105,000.00. Subject property is an investment property, and the rental income is necessary for an effective reorganization.
4. Debtor, by and through his attorney's office, has sent an offer to Fannie Mae to settle the plan treatment for this claim, and to resolve this motion for relief from the stay. Debtor is willing to enter into an agreement for Adequate Protection if Plan treatment can't be resolved quickly.
5. Debtor seeks for a continuance on this motion so that we may reach an agreement by stipulation for adequate protection and/or plan treatment.

WHEREFORE, Debtor respectfully prays that this Honorable Court:

1. Deny Movants motion for relief.
2. Alternatively, allow a short continuance so that Debtor and creditor can reach an agreement.
3. Any other relief that this court deems appropriate.

Dated this 10 day of October, 2014

/s/ Seth D. Ballstaedt, Esq.  
Seth D. Ballstaedt, Esq.  
*Attorney for Debtor(s)*